

# The Washington Board

Informing Professional  
Engineers and Professional  
Land Surveyors of the events  
and developments that affect  
their professions



# Journal

Number 29 • Spring 2002

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### YOUR BOARD MEMBERS

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Administrative services are provided to the Board by the Department of Licensing. The Department and the Board have a policy of providing equal access to its services. If you need special accommodation, please call (360) 664-1575 or TTY (360) 586-2788.



# Message from the Chair



*Daniel B. Clark, PLS*

The Washington Board Journal is published biannually by the Washington Board of Registration for Professional Engineers and Land Surveyors, George A. Twiss, P.L.S., Executive Director.

If you, or someone you know, would like to receive a copy of this publication, please contact the Board of Registration for Professional Engineers and Land Surveyors.

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## Uniform Regulation of Business and Professions

As you now know the Board has spent most of the last two years working with the Department of Licensing to develop a bill that could help standardize how disciplinary actions are applied throughout its professional licensing programs. Our contacts with the engineers and land surveyors around the state have revealed a variety of opinions on the need for such a bill as well as particular aspects within the bill. The Board realizes that this bill may not be readily acceptable to all, but we are committed to doing what we can to address the concerns that have been raised.

One tool available to the Board, is the promulgation of rules that would further define or limit certain provisions. For example, section 113(2) of the proposal would enable the Board to recover from licensees the cost of investigations. Some believe this is too permissive and could be applied in a way that may adversely impact small business licensees. While the Board would retain final discretion on how to apply such a provision, by rule they could define it more narrowly by limiting the imposition to only those instances where the Board has suspended or revoked a license and incurred consultant expenses.

It is the Board's plan to undertake an effort to craft rules where necessary to meet the spirit of the law yet keep the balance and fairness they have always tried to insert into the disciplinary process.

## Amendments to the Rules of Professional Conduct, CHAPTER 197-27 WAC.

Since 1999 the Board has undertaken an effort to review and update the existing "Rules of Professional Conduct" found in chapter 196-27 WAC. Due in part to an executive order requiring all agencies to methodically review existing rules against specific criteria, the Board examined what the existing rules stated, what elements were missing and what provisions in other model rules could be used to help make these rules more consistent with the dynamics of current day professional practice. The Board also believes that the revisions give better guidance to all licensees, firms and applicants regulated under chapter 18.43 RCW. Elsewhere in this Journal you will find the complete text of the proposed changes to the Rules of Professional Conduct. This version is slightly updated from a similar distribution last year that produced many well thought out suggestions.

Now it is your turn to help in this effort. Please take a moment to study these rules and let us know how you feel. It is every bit as important to let us know what you like as it is to say what you may not like. Both are equally beneficial to the Board in determining how to proceed in coming up with a chapter of rules that everyone can live with.

*Continues page 14*

# News To You

## Introducing On-line Renewals

By late summer of this year you should be able to execute a renewal of your **INDIVIDUAL** license as a professional engineer, land surveyor or on-site wastewater treatment system designer. Here is a brief description of how the on-line process will work:

The Department will send out the renewal notice approximately 12 weeks prior to the expiration date of your license. The renewal notice will bear the name, address and license number as it appears in our records. When on-line renewals are available the notices mailed by the Department will also include a unique password assigned to you and instructions for the renewal process via a web address. At the web address, you will be asked to enter your unique password and to verify the record information associated with that password.

If the record information is correct you will then be instructed to enter a credit card account number (only VISA or MasterCard accepted) to transact a renewal. Shortly after entering and sending the credit card account number you will receive a message confirming the renewal. Print this information for a receipt of the transaction. The credit card account number is transmitted directly to the authorizing bank and is not accessible by the Department or other state agency. However, the last five digits of the account number are retained by DOL to help troubleshoot any problems with the renewal transaction.

You will not be able to transact an on-line renewal, if:

- you have not provided your Social Security Number (SSN) to the board by the time the renewal notice is mailed,
- or the record information displayed after entering the password shows either an incorrect name or address.

In that event, you will be instructed to use regular mail to renew your license and to provide the corrected information.

For the time being the renewal of a Certificate of Authority will only be available through standard mail services.

## Board to Propose Adjustment in Fees

As presented in the fall 2001 Journal, the Board has been reviewing whether an adjustment is needed in our current fee structure. That review, which includes a long-range analysis of the Board's projected revenues and expenditures through the end of 2007, indicates that it is prudent to adjust most of the existing fee categories to insure the Board maintains sufficient reserves for program stability and to more fairly allocate program costs throughout all activities.

In recent years renewal fees have been adjusted as needed, but most all of the application fees, such as LSIT, EIT and PE have not been adjusted in over two decades. Service improvements, such as , On-Line Renewals, licensing database updates, and expanded web page content as well as inflationary pressures are projected to significantly increase expenditures. The Board is required under state law to collect sufficient revenue to pay for the necessary expenditures to operate the program.

In about April of this year we will propose fee increases as well as a general revision to the organization and content of chapter 196-26 WAC, FEES. Our goal is to have our new fees in place at the time we introduce On-Line renewals for individual licenses. Look for the announcement through our normal mail distributions or contact us by e-mail ([engineers@dol.wa.gov](mailto:engineers@dol.wa.gov)) if you wish to be contacted directly on this important process.

## How Much do You Know About the Board

Here are a few facts about the Board of Registration. How many did you already know?

- Most of the current authorities granted to the Board come from legislation enacted in 1947. At that time the law recognized engineering and land surveying

as uniquely different professions requiring separate qualifications and licensure.

- The Board has seven members appointed by the Governor. Five are professional engineers and two are professional land surveyors. Each is appointed to a term of 5 years with potential reappointment for an additional 5 years.
- While the Board has traditionally had two members who are licensed in structural engineering, there are no requirements in law for any certain number of the engineer members to be from any of the various disciplines. However, there is a requirement that two members be professional land surveyors.
- The Board operates solely on the revenue it collects from fees collected from applicants and registrants. All moneys collected by the Board are deposited to a dedicated account. Expenditures from the dedicated fund can only be used for support of the Board operations and are made through legislative appropriation and oversight.
- The Board prepares four Washington professional practice examinations. They are Structural III, Professional Land Surveying, Forest Engineering and On-Site Wastewater Treatment System Designers. In addition, the Board prepares a Washington State Law and Ethics examination which candidates are required to pass prior to licensure. All other exams are prepared by NCESS.
- The Board issues licenses for the practice of professional engineering in the following areas of qualification: Civil, Chemical, Mechanical, Electrical, Industrial, Metallurgical, Control Systems, Environmental, Agricultural, Nuclear, Mining, Forest, Manufacturing, Petroleum, Fire Protection, Naval Architect/Marine Engineering and Structural. Of those listed, **only** Structural is considered a specialty license and requires candidates to demonstrate additional specialized experience and pass examinations in addition to the PE examinations listed.

# The Washington Board Journal Questions & Answers



## Plans altered after they were stamped.

### Question:

I have delivered a set of plans to my customer (Federal Agency) in agreement with the contract for A/E services. The plans were prepared by me and contain my seal and signature as a Washington professional engineer. While we do not have a dispute on the contract or the services provided, the customer has altered my plans without my consent or review. The customer believes the agency is the owner of the plans and can do with them as they wish. They simply had changes they wished to make that were beyond the scope of the contract. They did not want to modify the contract agreement to have me make or approve the changes. What should I do?

### Answer:

This situation presents several issues that should be addressed. First is the ownership of the plans. While the Board does not have the ability to settle contract disputes in its regulatory authority, it is their belief that the ownership of the plans hinges on the terms of the contract you had with the agency. If you are contesting their assertion of ownership it would be advisable to consult with an attorney who could review your position in this contract.

Second is whether the agency has any privileges to revise the plans without your consent. Leaving the disposition of ownership out for this discussion, it would be the position of the Board that **IF** they have authority to make changes, that the changes should be done under the direct supervision of a Washington professional engineer. Of course this presupposes that the changes are of an engineering nature and the application of the design will be for a “project” in Washington State. It further assumes that the “project” is not on or part of a federal enclave such as a military base.



Finally, is the question of whether you assume any responsibility for the plans after they were changed? In the opinion of the Board, if the technical work you performed is not at question, you have apparently fulfilled your obligation, both in terms of the contract requirements and your professional responsibility in the eyes of the Board. You would not be expected to be responsible for engineering work you did not supervise or approve. It is a suggestion that you may wish to formally notify your customer to inform them that you will not accept any responsibility for the changes or the over all impact those changes may have had on your original design. This as well should be done following advice of legal counsel.

### Scope of the Survey Recording Act.

In the last *Journal* there was an article that detailed an opinion of the Board from several years ago. This article was a report from an Ad Hoc committee that reviewed the impact of the amendments to the Survey Recording Act during the 1996 legislative session. Unfortunately, the information could be misleading and would possibly be interpreted to allow individuals to “not record” when they are resetting missing lot corners, regardless of material differences.

The following information is intended to clarify the Board’s position on the following situations:

#### Question:

A recorded plat makes no mention of the lot corners having been set. The controlling monuments shown on said plat exist and are within acceptable measurement limits. For the lot I am working on there is no evidence of encroachments, gaps or overlaps. I find no existing lot corners and am setting rebars for the lot corners. Do I need to record a survey?

#### Answer:

Yes. This is because you are setting monuments where no monuments have existed, either on record or physically. Even though a record document exists creating the parcel locations, that record provides no evidence that individual lot corners were set when the plat was created. Your recording

will document the first establishment of the lot corners.

#### Question:

A recorded plat makes a statement that lot corners have been set but makes no mention as to what type of corner monuments were set. The controlling monuments shown on said plat exist and are within acceptable measurement limits. There is no evidence of encroachments, gaps or overlaps and I have found no existing lot corners. For the lot survey I am performing I am setting rebars. Do I need to record a survey?

#### Answer:

Yes. The Survey Recording Act provides that a survey should be recorded if a “discrepancy” is found. Under RCW 58.09.090(d)(i) a “discrepancy” is: “*A **nonexisting** or displaced original or replacement monument from which the parcel is defined and which **nonexistence** or displacement has not been previously revealed in the public record.*”(emphasis provided) Since the plat says lot corners were set but you did not find them, this would meet this definition of a “discrepancy”.

#### Question:

A recorded plat says iron pipes have been set for the lot corners. The controlling monuments shown on said plat exist and are within acceptable measurement limits. There is no evidence of encroachment, gaps or overlaps. I find no existing lot corner and will be setting rebars for the lot corners. Do I need to record a survey?

#### Answer:

Yes. Similar to the answer discussed above, you have found a condition where a discrepancy exists from what is found in the public record. Namely, there are no iron pipes as the plat states and you will be setting rebars. The recording of your survey would create a connection between the information on the plat (iron pipes) and what subsequent surveyors would find on the ground(your rebars). In this case, the documentation of the change from pipes to rebars is an important link in the chain of evidence.

## The Work That Gets Done

For those of you who have had reason to call our office about an application, exam result or renewal, more than likely you have spoken with either Terry Graving, Carol Van Gilder, Christopher Cope or Nghiem Pham of our licensing staff. We hope you have received the information you needed and were pleased with the way you were treated. Each of these individuals works hard to do the very best for each of our customers. If you experience a slight delay in our response to your call it may be due to the many critical tasks they perform for the Board, such as:

- Process approximately 10,500 renewals annually.
- Answer up to 50 phone calls per day.
- Mail out applications and other materials that were requested.
- Make initial evaluation of exam, comity and Corp/LLC applications.
- Schedule and process all exam candidates.
- Administer approximately 2500 examinations per year with numerous notifications to each candidate.
- Prepare and send wall certificates for new licensees.
- Sort hundreds of pieces of mail daily.
- Provide clerical and staff support to the Board members.

The Board is fortunate and grateful for their hard work and concern for our customers.

## Board is Rewriting the Rules of Professional Conduct WAC 196-27

Since 2000, we have been rewriting the Rules of Professional Conduct. We are doing this for two reasons.

First, the Governor's Executive Order No. 97-02 requires state agencies to review all of their rules; so, this is part of our ongoing rule evaluation process. Second, the Rules of Professional Conduct were originally codified as a set of rules under WAC 196-27 in 1984 and we found them in need of an update. It is the belief of the Board that these rules no longer adequately incorporate the contemporary issues of professional conduct and practice that have evolved since 1984. In short, we felt that there was a need make improvements to these rules. Due to the extensive amount of re-formatting and rewording our approach is to propose a complete repeal of current chapter 196-27 WAC and replacement with a new chapter 196-27A WAC. Even with this change much of the existing "Rules of Professional Conduct" are incorporated into the new chapter.

The proposed Rules of Professional Conduct are now ready for public review and comment. The text is provided on the following pages and will also be available on the Board website. The Board is asking that you review the proposed rules and comment so the Board can incorporate as much input as possible before the formal rule adoption process is started with the Code Reviser.

Even though there will be an additional comment period during the formal adoption process later this year please take a moment to let us know what you think. What should be added, deleted or changed? Do you think they are clear and understandable? Do they offer improvements to what now exists? It is also equally important to this process that those of you who are in agreement with this proposal let us know. You may send your comments via the mail, fax, or email to:

### **Rick Notestine**

*Project Director*

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# PROPOSED REVISED RULES OF PROFESSIONAL CONDUCT

**WAC 196-27A-010 Purpose and Applicability.** (1) RCW 18.43.110 provides the Board of Registration for Professional Engineers and Land Surveyors (board) with the exclusive power to fine and reprimand registrants and suspend or revoke the certificate of registration of any registrant for violation of any provisions of chapter 18.43 RCW. This includes, as stated in RCW 18.43.105(11), "Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing engineering or land surveying." The purpose of chapter 196-27A WAC is to provide further guidance to registrants with respect to the accepted professional conduct or standard generally expected of those practicing engineering or land surveying.

(2) These rules of professional conduct are applicable to all registrants and engineering/land surveying firms. A registrant is any person holding a certificate or license issued in accordance with chapter 18.43 RCW and an engineering/land surveying firm is one that has been issued a certificate of authorization to practice by the board. These rules may also be considered in determining good character and reputation of applicants for registration per RCW 18.43.040.

(3) All persons, corporations, joint stock associations and limited liability companies registered under the provisions of chapter 18.43 RCW are charged with having knowledge of, and practicing in accordance with, the provisions of this chapter.

**WAC 196-27A-020 Fundamental canons and guidelines for professional practice.** Registrants are to hold paramount the protection of the health, safety, environment, property and welfare of the public. To that end, registrants have obligations to society, their employers and clients, other registrants and the board.

## (1) REGISTRANT'S OBLIGATION TO SOCIETY

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final products and work plans adequately consider the primary objective of protecting the health, safety, environment, property and welfare of the general public.

(c) Registrants must inform their clients or employers of the possible harm to the health, safety, environment, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and

testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that results in public trust and integrity of the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying and shall participate in disseminating only true, fair, and accurate statements regarding professional work and the professions.

(h) Registrants shall accurately represent their academic credentials, professional qualifications, and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

## (2) REGISTRANT'S OBLIGATION TO EMPLOYER AND CLIENTS

(a) Registrants are expected to strive with the skill, diligence and judgment practiced by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW 18.43.070.

(c) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(d) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed, and, shall affix their signatures and/or seals only to plans or documents dealing with subject matter in their area of competency.

(e) Registrants may accept primary contractual responsibility requiring education or experience outside of their own fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Qualified associates, employees or contractors shall perform the work for all other parts and aspects of the project.

(f) Registrants should have a clear and documented understanding of the work to be performed for the client prior to commencing work. The registrant shall maintain

good records throughout the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals, etc.

(g) Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the Survey Standards, chapter 332-130 WAC.

(h) Registrants shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest with their employers or clients and must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

(k) Registrants employed full time shall only accept professional employment outside of their current position with the full knowledge and consent of their employers.

### (3) REGISTRANT'S OBLIGATION TO OTHER REGISTRANTS

(a) If registrants issue statements, criticisms, or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of services required.

(c) Registrants shall respond to inquiries from other registrants regarding previous work in a timely, fair and honest manner.

### (4) REGISTRANT'S OBLIGATION TO THE BOARD

(a) Registrants shall cooperate with the board by expeditiously providing all records and information requested in writing by the board, or their staff designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of violations of chapter 18.43 RCW or these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

practice or operate a business or profession when a license is required.

(b) The practice of engineering or land surveying by a registrant when the registrant's license is retired (see WAC 196-25-100(6)), expired, suspended, or revoked.

(c) Failing to comply with the terms and conditions of an order issued by the board.

(d) Failing to perform services in accordance with WAC196-27A-020.

(e) Failing to provide all relevant information on plans and surveys in a clear manner.

(f) Knowingly filing or submitting an incomplete survey map and/or design plans.

(g) Failing to file a record of survey in conformance with RCW 58.09.

(h) Failing to respond to inquiries from clients, or other professionals regarding conflicts between their work products, opinions or procedures, in a timely manner that would be expected from a prudent practitioner.

(i) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(j) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(k) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made.

(l) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(m) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(n) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit, if such action is adverse to the interests of their clients, employers, or the public.

(o) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's professional judgment may be compromised.

(p) Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses.

**WAC 196-27A-030 Explicit acts of misconduct.** In addition to any failure to conform with the requirements of chapter 18.43 RCW or this chapter, the following acts are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(a) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to



## Should You Have a NCEES Council Record?

In today's diverse and dynamic economy it is becoming more and more important for a professional engineer be in a position to obtain a license in other jurisdictions. A licensee that takes the steps to create and maintain a Council Record through the National Council of Examiners for Engineering and Surveying (NCEES), may substantially reduce the time required to obtain a license by comity or reciprocity in other jurisdictions.

Remember the trouble it was to get all your references collected and sent in when you were first getting licensed. If you were lucky you could get those done in a few weeks of phone calls or mail. But what if your past employer is out of business or moved or worse. What trouble will that be in lining up all the necessary experience references if another state or states ask for it? That is one of the big advantages to the Council Records Program through NCEES.

The Council Record is like a bank account. You deposit information about your professional credential like; what you are licensed in, where you are licensed, and how you obtained the license. Included would be your academic credential and those very important experience verifications. The record held on file at NCEES, could then be forwarded, upon your request, to whatever state you plan to become licensed. Most all states, in one way or another, use the record as a short cut through their licensing process. In essence, most of the work is done and all that is needed is complete the state's application form and pay the necessary fee. However, it is important to note that the existence of a council record does not guarantee that you will be granted a license. Some states have specific conditions that need to be met.

Even though you may consider yourself "set", with no plans to move to or practice in another state, having the record completed and "ready to go" is a very wise plan to have in place. If you wish to apply to create a council record or would like more information you may call NCEES at 864-654-6824, fax 864-654-6033 or email [jgalbrea@ncees.org](mailto:jgalbrea@ncees.org). You may also browse their web site at [www.ncees.org](http://www.ncees.org).

## Who We Are

To help you identify whom on our staff can best assist you and how you can reach us should a question arise, we have listed here individuals from our staff and their general responsibilities. Please feel free to contact us whenever you have a question or comment about the service you have received.

### Board Mailing Address:

Board of Reg. for Prof. Engineers and Land Surveyors  
P.O. Box 9649  
Olympia, WA 98507-9649

### Board Office Location:

405 Black Lake Blvd., 2<sup>nd</sup> Floor  
Olympia, WA 98502

### Administrative staff:

**George A. Twiss, P.L.S.,**  
Executive Director  
360-664-1565  
[gtwiss@dol.wa.gov](mailto:gtwiss@dol.wa.gov)

Chief executive officer for Board operations. Manages overall staff and program budget. Oversees liaison activities between the Board, Department of Licensing and stakeholders. Provides guidance on application of statute, rules and policies on engineering and land surveying practice.

**Ron L. Torrence, P.L.S.,**  
Deputy Executive Director  
360-664-1566  
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Deputy to executive director. Manages and supports the work of the Practice Committee as well as investigations and enforcement activities of the board. Provides support to the executive officer related to staff management, guidance on application of statute, rules and policies on engineering and land surveying practice.

**Rick Notestine, P.L.S.,**

Project Director

360-664-1578

rnotestine@dol.wa.gov

Manager for state prepared examinations and rule development. Coordinates the updating of examination items for the board's examinations in land surveying, structural engineering and forest engineering. Provides guidance on application of statute, rules and policies on engineering and land surveying practice.

**Joe Vincent,**

Program Manager

360-664-1567

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Manager of the On-Site Wastewater Treatment System Designer program. Main contact for questions involving program and applications. Coordinates meetings of the On-Site Advisory Committee. Provides guidance on application of statute, rules and policies on involving on-site designer licensing and inspector certification.

**Kim Chipman,**

Administrative Secretary

360-664-1564

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Assistant to the executive director. Coordinates all board meetings, minutes and schedules. Responsible for staff payroll, board travel, examination purchases and procurement.

**Licensing staff:**

Handle applications for PE or LS license, Engineer-in-Training, Land Surveyor-in-Training, On-site Designers/Inspectors, Limited Liability Companies and Corporations. Over see examination administrations, notifications to applicants and license renewals.

**Beverly Olsen,**

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**Carol VanGilder,**

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**Investigation staff:**

Process intake of complaints, conduct the investigations of engineering, land surveying and on-site designers and track compliance with board orders.

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Investigator (lead)

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# On-Site Designer Licensing

## Advisory Committee Member - THANK YOU'S

Both the Board and the On-Site Advisory Committee wish to express their appreciation for the contributions of two departing On-Site Advisory Committee charter members. They helped create the structure and processes for the successful implementation of the designer licensing law.

### Mr. Kevin Barry

Environmental Health Director, Grant County

Mr. Barry submitted his resignation as a temporary Advisory Committee member in September of 2001. He was appointed to a temporary position on the committee in December 1999 and was reappointed in December 2000. Mr. Barry approached his duty as a committee member with enthusiasm and a commitment to his ideals and those he served. He served the committee well and will be missed.

### Mr. Dean Bannister

Bannister Septic of Skagit County

Mr. Bannister was appointed to a temporary position on the committee in December 1999 and was reappointed in December 2000. Although Mr. Bannister is no longer an official member of the committee, he has graciously volunteered to continue to serve on the committee's Examination Work Group and the Standards of Practice Work Group. Mr. Bannister's tireless efforts in exam development and research toward a standards of practice guidance document have benefited everyone who is or will become licensed. The committee and staff are fortunate for Mr. Bannister's continued service.

## On-Site Advisory Committee Members Reappointed

Larry Fay, Jefferson County Environmental Health Director, and Paul Gruver of Soiltech Incorporated in Sequim were reappointed to serve second terms on the advisory committee for the On-site Wastewater Treatment Systems - Designer Licensing/Inspector Certification program by Director Fred Stephens of the Depart-

ment of Licensing. These reappointments will run until September 2004.

Mr. Fay has served as the Chair of the Advisory Committee since it's inception and will continue in that capacity. Mr. Gruver has served on the Committee's examination work groups and is active in the development of the Standards of Practice Guidance Document the Committee is currently drafting. Both Mr. Fay and Mr. Gruver have proven to be valuable and dedicated members of the Committee and the Board is thankful for their continued commitment.

## On-Site Wastewater Treatment System Designer Licensing Examination

The Board administered the second licensing examination for on-site wastewater treatment system designers and inspectors in Puyallup and Pasco on October 21, 2001. A total of 79 applicants were approved to take the October exam. The following is a breakdown of applicants and performance:

### THE RESULTS

	Designers West	Inspectors West	Designers East	Inspectors East
Pass	24	33	2	7
Fail	2	3	2	
No-Show		1		
<b>Total</b>	<b>31</b>	<b>37</b>	<b>4</b>	<b>7</b>

The statute creating the On-Site program, Chapter 18.210 RCW, has no "Grandfathering" clause. Every applicant for a designer license is required to take the same examination, regardless of his or her experience level. This group as well as those who took the examination in April 2001 is mostly comprised of individuals who have been practicing in this industry for many years. Individuals with such extensive experience would be expected to perform well on an examination that is structured to determine who is *minimally* competent to practice. As the candidate pool becomes comprised of entry level candidates, the passing percentage is expected to decline.

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## THANK YOU FOR THE HELP

The Board would again like to recognize the effort of the members in our Examination Work Group in assisting in the development of the On-Site examination. Thanks are due to:

**Bob Wright, PE,**  
*Tryck, Nyman, Hayes*

**John Fleming, PE,**  
*JSF Engineering Inc.*

**Richard Benson, PE,**  
*Washington State Department of Health*

**Larry Fay,**  
*Jefferson County Health District*

**Dean Bannister,**  
*Bannister Septic*

**Paul Gruver,**  
*Soiltech*

**David Jensen, PE,**  
*D.R. Strong Consulting Engineers*

**Kenneth Mitchell, PE,**  
*Irrigation & Hydraulics Unlimited  
Consulting Engineers*

**Jerry Stonebridge,**  
*Stonebridge Construction*

## On-Site Question and Answer

**Question:** What experience does someone need to become a licensed designer under the new law?

**Answer:** RCW 18.210 sets out the minimum experience required to qualify for licensure. In addition to passing the examination, an applicant must have a minimum of four years of experience showing increased responsibility for the design of on-site wastewater treatment systems. That experience must include the following:

- Site soil assessment
- Hydraulics
- Topographic delineations

- Use of specialized treatment processes and devices
- Microbiology
- Construction practices

The law also requires that applicants for licensure provide not less than two verifications of experience from qualified individuals. Those individuals include PE's, Professional Designers licensed by the Board and state or local on-site regulatory officials.

**Question:** If I am considering entering the on-site design field how can I gain the necessary experience?

**Answer:** RCW 18.210 requires a license to practice on-site design unless the person is an employee or subordinate of a licensed PE or designer. This means one can no longer hang a shingle and call themselves designers and learn the practice on the job through trial and error or through the permitting process. What this means in practical terms is that to enter the field one would obtain their experience working under the supervision of a licensed individual, whether a PE or Professional Designer.

**Question:** I have a Practice Permit and am interested in becoming a licensed designer but haven't yet decided when. How long is my permit good?

**Answer:** A Practice Permit is renewable annually until July 1, 2003. All Practice Permits cease to be valid after that date, regardless of the date issued. After July 1, 2003 anyone practicing or offering to practice the design of on-site wastewater treatment systems is required to have a valid license. The last opportunity to take the designer licensing examination and become licensed before the July 1, 2003 deadline is April 12, 2003. The deadline for applications for the April 2003 exam is January 13, 2003.

**Question:** I have recently obtained my on-site designers license. Can I design systems anywhere in the State?

**Answer:** Yes. However, remember that licensees are required to be knowledgeable of the codes, regulations and guidelines applicable to the services they perform. Contact those jurisdictions where you intend to practice for information regarding their local requirements and practices.



# Examinations

## October 2001 Examination Results

	Total	Pass	%
Pass			
Fundamentals of Engineering (EIT)	340	254	75%
Principles & Practice of Engineering			
Agriculture	1	1	100%
Chemical	12	5	41.7%
Civil	250	129	51.6%
Control Systems	3	3	100%
Electrical	26	14	53.8%
Environmental	9	7	77.8%
Fire Protection	7	5	71.4%
Industrial	1	0	0.0%
Manufacturing	2	2	100%
Mechanical	68	34	50.0%
Nuclear	2	0	0.0%
Structural I	33	21	63.6%
Structural II (am)	72	37	51.0%
Structural II (pm)	71	50	70.0%
Structural III	117	27	23.0%
Fundamentals of Land Surveying (LSIT)	22	12	55.0%
Principles & Practice of Land Surveying (NCEES)	12	7	63.0%
Principles & Practice of Land Surveying (State)	43	15	34.9%

## NCEES Will Administer Examinations

For as long as anyone here can remember board staff has conducted the administration of examinations. Whether it was for a locally prepared examination like Professional Land Surveying or Structural III, or the more widely used exams from the National Council of Examiners for Engineering and Surveying (NCEES), board staff has organized, set up and administered these examinations.

Approximately two years ago the NCEES began providing administration services to those state boards that had a need for such support. Acceptance has been quick, and in April of this year, NCEES will administer their examinations in nine states. Now, the Board has chosen to have NCEES administer their exams in the State of Washington for the October 2002 exam administration.

This is a major change in business but one that affords the Board an opportunity to redirect its resources toward the technology projects underway. Board staff will continue to collect applications and notify candidates whether they are eligible for an examination at which point the completed roster will be turned over to NCEES. NCEES will, in turn, notify candidates with instructions, including locations and costs which will be payable to NCEES. The costs imposed by NCEES will be for the cost of the examination (development and grading) as well as the proportional share of administration expenses per applicant. Previously, the administration expenses of securing facilities, tables, chairs and proctors has been subsidized by Board revenue from license renewals.

Once the examination is completed NCEES will grade the examinations and send the results to the Board. Just as before, the board will send out the results of the examinations and issue a license or certificate to those who have qualified.

Application deadlines remain unchanged. The locally prepared examinations mentioned above will remain the responsibility of board staff. More details of this change will be distributed to applicants who become scheduled for the October 2002 examinations.

## New Structural Licensing Now in Effect

The statutory amendments adopted by the legislature during the 2000 Regular Session and subsequent administrative rules on structural licensing became effective on January 30, 2002. From that point forward an individual wishing to be licensed in structural engineering is required to: hold a license as a professional engineer, demonstrate a minimum of two years structural experience in addition to the eight years of experience required to become licensed as a PE and pass 16 hours of examinations specified by the Board

The new 16-hour examination is now comprised of two 8-hour portions. The first is the NCEES Structural II and the second is the State specific Structural III. The SE II exam will be offered each April and October while the SE III will only be available in October of each year.

Those structural candidates who are not already licensed as a PE, but have taken and passed the NCEES Structural I examination, will be issued a license in civil engineering. If those candidates choose to continue and complete all the examinations required for licensing in structural engineering, the civil license issued due to passage of NCEES Structural I will be rescinded and replaced with a license in structural engineering.

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## Message from the Chair

### National Council Promotes Licensure

Following is a two paragraph excerpt from the Executive Summary of an Engineering Student Web Survey being conducted by the National Council of Examiners for Engineering and Surveying: *The National Council of Examiners for Engineering and Surveying (NCEES) plans to develop and implement an aggressive and comprehensive marketing campaign directed at engineering students promoting professional licensure. In order to gauge the program's effectiveness, a survey of the targeted campuses was conducted, in fall 2001, to determine student exposure and awareness prior to commencing the campaign.*

Follow-up surveys will be conducted in spring 2002 and fall 2002 after the two phases of the campaign are implemented. This will measure whether there have been any changes in how engineering students regard the career-building process that starts with the Fundamentals of Engineering (FE) examination and concludes with the issuance of a Professional Engineer license.

This is the first I have seen the NCEES take an active role in promoting licensure. In my eight years of involvement on NCEES committees and at annual meetings and zone meetings, the focus of the organization has shifted, however slightly. The overriding purpose hasn't changed. That purpose is obvious from the name of the organization. But there has been a realization that we are in an age when promotion of the profession is as important for the NCEES as it is for the NSPE, the ASCE or any number of other organizations. We will keep you informed of the results of this effort.

### NCEES By Any Other Name

At a recent meeting of Member Board Administrators and state Board Chairs in San Antonio, it was decided to consider whether or not the organization should change its name to a name that better fits the activities and purposes of the organization. An example of how the activities have changed in recent times is explained in the above article promoting licensure. It is too early in the process to say where this study will lead but you will undoubtedly be hearing about it in the near future.

# Investigations & Enforcement

## Statistics of Actions Taken by the Board from July 1, 2001 through December 31, 2001.

Active Investigations as of July, 2001	61
Complaints opened for investigation	15
Investigations closed	12
Active Investigations as of December 31, 2001	64

### Summary by Month:

	Complaint Received	Investigations Opened
July	No Meeting	
August	12	6
September	3	4
October	No Meeting	
November	11	5
December	No Meeting	

### Summary by Profession affected as of December 31, 2001

	Active Investigations	Compliance Orders
Prof. Engineers	22	1
Prof. Land Surveyors	22	3
Unlic. Engineers	8	1
Unlic. Land Surveyors	9	0
On-Site Designers	3	0
Totals	64	5

## Summaries of Investigations and Actions by the Board

In the following case summaries you will read of disciplinary actions against licensees from July 1, 2001 to December 31, 2001.

*NOTE: These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Compliance Officer, John Pettainen, at 360-664-1571 for further details.*

### FORMAL ACTIONS:

#### Engineering Practice

##### Norman Arno, E.I.T. Case No. 98-08-0001

Mr. Arno was the subject of a Board investigation based upon a complaint that he misrepresented the fact that he was a professional engineer. Though only holding a certification as an E.I.T. in Washington and an expired P.E. from Alaska, he portrayed that he was a Washington PE by using the title "P.E." after his name; presenting a report on water current and circulation for a proposed marina using a business title that contained the name "engineering" and misrepresented in testimony in an administrative hearing that he was a PE. The investigation disclosed that Mr. Arno represented himself as a PE for a period of about five years while he worked on the marina project.

A Statement of Charges and a Stipulated Findings of Fact, Conclusions of Law and Agreed Order ("Agreed Order") were issued by the Board. Mr. Arno chose to accept the settlement agreement that included, in part, a reprimand, suspension of his registration as an Engineer-in-Training, and an agreement that he would not offer to and/or perform

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engineering activities or represent himself as a professional engineer in the state of Washington until he obtained the proper license.

## Land Surveying Practice

**John C. Frandsen, PLS**

**Case No. 96-03-0001 & 96-12-0005**

Mr. Frandsen was the subject of a Board investigation based on several complaints of survey errors on property located within Spokane County, Washington. The Board investigation resulted in a determination by the case managers that Mr. Frandsen's practice involved multiple violations of the applicable statutes pertaining to the practice of land surveying in the state of Washington. A Statement of Charges was issued and an administrative hearing was held October 11-12, 2001.

As a result of that hearing, the Board issued a Findings of Fact, Conclusions of Law and Order ("Order") finding that the violations noted in the Statement of Charges were sustained. The order revoked Mr. Frandsen's license to practice as a professional land surveyor. Mr. Frandsen may obtain a new license to practice as a professional land surveyor after a two (2) year period provided that he completes six college credits or equivalent in boundary and cadastral surveying and gains two (2) years documented work experience under a licensed professional land surveyor. Mr. Frandsen has appealed the Board's Order to Superior Court. Disposition of the appeal is pending.

**Max Meyring Case No. 00-05-0008**

As reported in a previous Board Journal article, under this case number the Board investigated a complaint against Max Meyring that was brought by a resident of Snohomish County. Mr. Meyring, once licensed as both a professional engineer and professional land surveyor, had both his licenses revoked by the Board in the 80's.

This investigation, initiated by a Snohomish County property owner, concerned Mr. Meyring's land surveying activities in the establishment of the common line between the complainant and his

neighbor. Even though Mr. Meyring did not have lawful authority to conduct a survey he admitted to having performed this work after his license had been revoked.

Since Mr. Meyring was not licensed at the time of the act the Board referred the matter to the Snohomish county Prosecutor. The prosecutor pursued the case and filed a criminal complaint for unlicensed practice as provided in chapter 18.43 RCW. Mr. Meyring entered a guilty plea to the charges and was required to pay a fine of \$500.

## INFORMAL ACTIONS:

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### Engineering Practice

**Case No. 01-06-0003**

The Board's records disclosed that a corporation, after resignation of their designated engineer, failed to appoint a new designated engineer and subsequent to that action, the corporation's Certificate of Authorization expired. Attempts to contact the firm or the Responsible Engineer were unsuccessful. An investigation was opened.

The investigation disclosed the corporation is not currently conducting engineering in the state of Washington nor has the firm conducted engineering activities within the last year. Under these circumstances, the case manager recommended the investigation be closed with no further action.

**Case No. 01-06-0002**

During the processing of a renewal of a Certificate of Authorization for a corporation, it was discovered that the corporation had not been licensed with the Secretary of State's office since April 1996. As a result the Certificate of Authorization issued by the Board could not be renewed. Attempts by our licensing staff to contact the firm and resolve the deficiency were unsuccessful. As a result an investigation was opened to determine the extent of violations related to engineering practice. During that process the corporation reactivated their records with the Secretary of State, which allowed the Board to complete the renewal of the Certificate of Authority. In a letter to the Board, received July 29, 2001, the corporation's principal stated that the firm



has not offered to perform and/or conducted engineering activities in the state of Washington since October 24, 2000 when the Certificate of Authorization expired.

Given that the firm was not providing engineering services during the period their Certificate of Authorization was expired and that the necessary paperwork to renew their Certificate of Authorization has been submitted, the case manager recommended the investigation be closed with no further action.

#### **Case No. 01-03-0001**

An investigation initiated by the Board was based upon allegations that a professional engineer had "plan stamped" on-site wastewater treatment system designs. The allegations claimed that the engineer had placed his seal and signature on wastewater designs that were neither prepared by him or under his direct supervision. While it was suspected that the PE did exercise some direction over the unlicensed individual in the past, his supervision diminished to little or nothing before placing his stamp and signature on the plans.

The case manager did not find the evidence obtained during the investigation supported the allegations. It appeared the engineer had a good understanding of on-site wastewater treatment system design process and maintained a constant supervision with the individual who prepared the plans. The investigation was closed without further action.

#### **Case No. 01-06-0004**

This complaint involved allegations that an individual was promoting himself as a professional engineer on his firm's web site. The firm also was using advertising showing the firm provided "engineering" services. Board records showed that neither the individual nor the firm was registered with the Board. While the use of the titles was improper there was no indication that the individual was engaged in engineering practice.

During the investigation, the individual changed his firm name to eliminate the term "engineering" and deleted the credential "PE" from his name on his web site. This voluntary decision and the absence of evidence that the individual was engaged in

engineering practice, resulted in the case being closed with no action.

#### **Case No. 01-05-0008**

This investigation was opened by the Board based upon information in a written inquiry concerning the structural evaluation of earthquake damage to a Western Washington restaurant. This inquiry expressed concern on whether a professional engineer was qualified to perform the structural evaluation and, whether that engineer directly participated or provided direct supervision over other individuals who inspected the premises. In response, the PE denied the allegations and provided several responses and numerous documents to refute the allegations.

The case manager's review of the investigation concluded that the engineer was licensed in civil engineering and had an extensive structural engineering experience. The licensee's documentation also verified that the engineer provided the inspection criteria used and that the final report, stamped by the professional engineer, adequately addressed the earthquake damage concerns.

The investigation was closed with no further action.

#### **Case No. 01-09-0001**

The Board's records disclosed that a corporation, after resignation of their designated engineer, failed to appoint a new designated engineer and notify the Board within the required 30 days. Due to lack of a response when contacted by Board staff for explanation, an investigation was opened.

Investigation discovered the corporation is not currently conducting engineering in the state of Washington. It is the corporation's intent to renew their Certificate of Authorization and appoint a designated engineer at such time that they will be performing or offering to perform engineering services in Washington.

## INFORMAL ACTIONS:

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### Land Surveying Practice

#### Case No. 98-05-0004

This investigation involved allegations that a professional land surveyor in Spokane County had failed to perform his work in conformance with applicable laws, resulting in errors in three surveys performed by the respondent.

The investigation did confirm that the maps failed to meet the expected standard of care and that the respondent's field procedures did not include, in part, the required closure or ties to controlling monuments. Because these errors were considered very basic to sound land-surveying practices, the respondent was required to prepare and record amended survey maps and submit the recorded surveys to the Board office. The amended records of survey maps and procedures were satisfactorily and the investigation was closed with no further action.

#### Case No. 01-02-0002

This investigation resulted from a complaint from a homeowner alleging multiple infractions on a 1992 survey performed by a surveyor for his neighbor. The complainant alleged that the respondent's survey contained numerous differences from a 1975 survey that established the common line between the complainant and his neighbor. Of particular concern, was the respondent's use of two iron pipes that were not shown on the 1975 survey and, according to the complainant, changed the location of the line between his property and the neighbor.

In 1998 the complainant had hired another surveyor to retrace this property line. That survey also differed from that of the respondent. The remedy requested was for the Board to resolve the boundary dispute.

While it is not within the jurisdiction of the Board to rule on which survey position is correct, it was the determination of the case manager that the survey by the respondent was completed in a justifiable manner and that differences between the surveys were a matter of professional judgment, not errors. The investigation was closed with no further action.

#### Case No. 01-01-0001

This investigation involved allegations that a professional land surveyor acted unprofessionally when he failed to complete a survey he was hired to perform. In part, this survey was performed to determine the common line between the complainant and his neighbor to resolve a long-standing boundary dispute. After review of the investigative file the case manager found no evidence to corroborate the allegations.

However, the case manager did find that the respondent essentially performed an amended survey without noting that information on the map. It appeared that this record of survey disclosed that the respondent removed corners, which he previously set without clearly stating why he disagreed with his previous corner positions. Upon notification of this fact, the respondent filed an amended survey. The voluntary actions produced a satisfactory resolution and the investigation was closed with no further action.

# Schedules

## Examination Schedule

### Fall – 2002 Administration

Examination	Type	ExaminationDate	ApplicationDeadline
Civil, Mechanical, Electrical, Chemical, Agricultural, Nuclear, Control Systems, Fire Protection, Industrial, Manufacturing, Mining, Metallurgical, Petroleum, Environmental and Structural II Engineering	NCEES	Friday October 25, 2002	Tuesday June 25, 2002
Land Surveying (6-hour)	NCEES	Friday October 25, 2002	Tuesday June 25, 2002
Land Surveying (2-hour)	State	Friday October 25, 2002	Tuesday June 25, 2002
Fundamentals of Engineering	NCEES	Saturday October 26, 2002	Wednesday June 26, 2002
Structural III	State	Saturday October 26, 2002	Wednesday June 26, 2002
On-site Wastewater Designer / Inspector Certification	State	Saturday October 26, 2002	Friday July 26, 2002

### Spring – 2003 Administration

Examination	Type	Examination Date	Application Deadline
Civil, Mechanical, Electrical, Chemical, Architectural, Environmental, Naval Architect /Marine and Structural II Engineering	NCEES	Friday April 11, 2003	Wednesday December 11, 2002
Forest Engineering-	State	Friday April 11, 2003-	Wednesday December 11, 2002
Land Surveying (6-hour)	NCEES	Friday April 11, 2003	Wednesday December 11, 2002
Land Surveying (2-hour)	State	Friday April 11, 2003	Wednesday December 11, 2002
Fundamentals of Engineering Fundamentals of Land Surveying	NCEES	Saturday April 12, 2003	Thursday December 12, 2002
On-site Wastewater Designer / Inspector Certification	State	Saturday April 12, 2003	Monday January 13, 2002

## 2002 Calendar of Events

<b>April</b> 19-20	Exam Administration <i>Olympia/Spokane/Vancouver BC</i>	<b>July</b> 17	Practice Committee <i>via teleconference</i>	<b>October</b> 25-26	Exam Administration <i>Puyallup/Tri-Cities</i>
<b>May</b> 2-4	NCEES Western Zone Meeting <i>Sun Valley, ID</i>	<b>August</b> 7-10	NCEES Annual Meeting <i>San Diego, CA</i>	<b>November</b> 13-14	Committee & Board Meetings <i>La Quinta Inn, Tacoma</i>
9-10	Committee & Board Meeting <i>La Quinta Inn, Tacoma</i>	14-15	Committee & Board Meeting <i>La Quinta Inn, Tacoma</i>	<b>December</b> 18	Practice Committee <i>via teleconference</i>
<b>June</b> TBD	Committee & Board Meeting <i>TBD</i>	<b>September</b> 18-19	Committee & Board Meeting <i>La Quinta Inn, Tacoma</i>		



Board of Registration for Professional  
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